



# Robertswood School Privacy Notice How we use pupil information

## **Introduction**

The EU General Data Protection Regulation (GDPR) came into force on 25 May 2018 (including the UK regardless of the process to leave the EU) and impacts every organisation which holds or processes personal data. It introduces new responsibilities, including the requirement to demonstrate compliance and more stringent enforcement. It is an evolution in data protection not a revolution.

## **The categories of pupil information that we collect, hold and share include:**

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information
- Relevant medical information
- Special educational needs information (including the needs and ranking)
- Exclusion and behavioural information
- Safeguarding information (such as court orders and professional involvement)
- Medical and administration (such as doctors' information, child health, dental health, allergies, medication and dietary requirements)

This list is not exhaustive, to access the current list of categories of information we process.

## **Why we collect and use this information**

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- for safeguarding and child protection including KCSiE 2023 filtering and monitoring
- to comply with the law regarding data sharing
- to keep children safe (food allergies or emergency contact details)
- to meet the statutory duties placed upon us by the DfE data collections

## **The lawful basis on which we use this information**

We collect and use pupil information under departmental censuses and the Education Act 1996, for more information on the school census process and requirements see:

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>

We collect and process data under the following legal basis for processing:

### **Article 6 (UK GDPR)**

1. the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
2. processing is necessary for compliance with a legal obligation to which the controller is subject;

### **Article 9 (UK GDPR)**

1. the data subject has given explicit consent to the processing of their personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject.

## **Collecting pupil information**

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

## **Storing pupil data**

We hold pupil data in line with IRMS Toolkit (Information records management service) guidelines including time scales.

We have put in place appropriate security measures to prevent your personal information being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your personal data securely when we no longer need it.

## **Who we share pupil information with**

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE)
- agencies including the School Nurse and the NHS
- academy trust if applicable
- curriculum resources (all web resources are checked, and minimal details are shared with online teaching resources)

## **Why we share pupil information**

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

## **Data collection requirements**

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

## **The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact the DfE: <https://www.gov.uk/contact-dfe>

### **The Lawful Basis for processing personal data**

The lawful basis for processing personal information are:

- In accordance with the 'public task' basis to process data to fulfil our official duties
- in accordance with the 'legal obligation' basis to process data to meet our responsibilities
- In accordance with the 'consent' basis we will get consent from you to use your personal data
- In accordance with the 'vital interests' basis we will use this personal data in a life-or-death situation
- In accordance with the 'contract' basis we need to process personal data to fulfil a contract with you or to help you enter into a contract with us
- In accordance with the 'legitimate interests' basis where there's a minimal privacy impact and we have a compelling reason, including:
  - *Carrying out a specific task in the public interest which is laid down by law; or exercising official authority (for example, a public body's tasks, functions, duties or powers) which is laid down by law.*

### **The Lawful Basis for processing special category data**

The lawful basis for processing 'special category' data collected (more sensitive personal information) use the following conditions for processing as set out in UK data protection law:

- We obtained your explicit consent to use your information in a certain way
- We need to use your information under employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The information has already been made obviously public by you
- We need to use it to make or defend against legal claims

- We need to use it for reasons of substantial public interest as defined in legislation
- We need to use it for health or social care purposes, and it's used by, or under the direction of, a professional obliged to confidentiality under law
- We need to use it for public health reasons, and it's used by, or under the direction of, a professional obliged to confidentiality under law
- We need to use it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the use is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made obviously public by you
- We need to use it as part of legal proceedings, to obtain legal advice, or to make or defend against legal claims
- We need to use it for reasons of substantial public interest as defined in legislation

### **Keeping your personal information secure**

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

### **Requesting access to your personal data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information or be given access to your child's educational records. In the first instance please contact the school Data Protection Lead using the information from the 'contact us' section below.

### **Access personal information that we hold about you**

You have a right to make a 'Subject Access Request' to gain access to personal information that we hold about you and we will (subject to any exemptions that may apply):

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances such as verified representation.

### **Your other data rights**

Under data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing

- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance using the 'contact us' details below. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### Other policies which may reference this privacy notice

This Privacy Notice also applies in addition to the School's other relevant terms and conditions and policies, including:

- any contract between the School and its staff or the parents of pupils;
- the School's policy on taking, storing and using images of pupils;
- the School's retention of records policy, (IRMS template);
- the School's safeguarding and pastoral policy
- the School's Health and Safety policy, including how concerns or incidents are recorded;
- the School's IT policies, including its Acceptable Use policy, On-line Safety policy

### Further Information

#### Contact us

If you would like to discuss anything in this privacy notice, In the first instance please contact the School Data Protection Lead below:

Position	Name	Email	Phone
School Data Protection Lead	Mrs E Davison	<a href="mailto:office@robertswoodschool.co.uk">office@robertswoodschool.co.uk</a>	01753 888327
Data Protection Officer	Turn IT on	<a href="mailto:dpo@turniton.co.uk">dpo@turniton.co.uk</a>	01865 597620 (option 3)

#### Policy update information (policy number GDPR-103a)

This policy is reviewed annually and updated in line with data protection legislation.

Policy review information

Review date	Reviewed by
<b>02-05-2018</b>	turn IT on
<b>08-08-2019</b>	turn IT on
<b>04-08-2020</b>	turn IT on
<b>02-08-2021</b>	turn IT on
<b>04-08-2022</b>	turn IT on
<b>01-08-2023</b>	turn IT on

Policy update information

Review date	Revision	Description on change	By
<b>02-05-2018</b>	1.00	Draft release	turn IT on
<b>03-05-2018</b>	1.00	Full release	turn IT on
<b>08-08-2019</b>	1.01	Full release	turn IT on
<b>02-08-2021</b>	1.02	Full release	turn IT on
<b>01-08-2023</b>	1.03	Full release	turn IT on